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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/735,469	12/14/2000	Bill Terpselas	JJ-11 050CA	6298

7590 01/09/2004

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EXAMINER
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EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 01/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application N .

09/735,469

Applicant(s)

TERPSELAS, BILL

Examiner

Joseph F Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-4 and 6-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02 September 2003 has been entered.

### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: "the third side" (line 7) should read "a third side"; "accomadate" (line 17) should read "accommodate". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, the phrase "the releasable securing means permitting the adjustment of the size of the third side to vary the spacing between the shoulder and lap belts to accomadate different sizes of users" is unclear rendering the scope of the claim indefinite.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 2 and 3, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by DE Patent No. 3821564 A1 to Sadler.

Sadler discloses a protective covering that includes all the limitations recited in claims 2 and 3, as best understood. Sadler shows a covering having a front (Fig. 2), a back (Fig. 2), an opening (Fig. 2) to permit a tongue of a seat belt 5 (Fig. 2) to pass through, and a release securing means 13 (Fig. 2) to permit the front and the back to be releasably secured to one another wherein the front and back being joined along two sides and the release securing means is a hook and loop closure and provided on an open third side to receive the seat belt.

7. Claims 2-4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,335,957 to Golder.

Golder discloses a protective covering that includes all the limitations recited in claims 2-4, as best understood. Golder discloses a protective covering that includes all the limitations recited in claims 2-4, as best understood. Golder shows a covering having a front (Fig. 12), a back (Fig. 12), an opening 235 (Fig. 12) to permit a tongue of a seat belt S (Fig. 12) to pass through, and a release securing means 280 (Fig. 12) to permit the front and the back to be releasably secured to one another wherein the front and back being joined along two sides and the release securing means are dome fasteners and provided on an open third side to receive the seat belt.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6-8, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Golder in view of U.S. Patent No. 4,961,251 to Smith.

Golder discloses a protective covering that is basically the same as that recited in claims 6-8, as best understood, except that the opening for the seat belt tongue lacks a retaining means and an elastic mesh cover for the latch release button, as recited in the claims. Smith shows a protective covering similar to that of Golder wherein the opening for the tongue has an elastic ring retaining means 72 (Fig. 4) with a mesh cover 50 (Fig.

Art Unit: 3636

4) over the latch release button. It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the protective covering of Golder such that the opening for the tongue has a dome fastener or elastic ring retaining means with a elastic mesh cover over the latch release button, such as the protective cover disclosed in Smith. One would have been motivated to make such a modification in view of the suggestion in Smith that the tongue cover prevents the unintentional unlatching of the seat belt release button.

### ***Response to Arguments***

10. Applicant's arguments with respect to claims 2-4 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to protective coverings: PCT Pub. No. 94 07710 A1 to Koch.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Application/Control Number: 09/735,469  
Art Unit: 3636

Page 6

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE  
October 17, 2003

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600